

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA

Alexandria Division

JANE DOE,)	
)	
Plaintiff,)	
)	
v.)	Case No. 1:21-cv-1150 (AJT/JFA)
)	
FAIRFAX POLICE OFFICER No. 1, <i>et al.</i> ,)	
)	
Defendants.)	

MOTION FOR PROTECTIVE ORDER and WAIVER OF HEARING

In this case arising out of victimization by sex trafficking, the Court on October 27, 2021 (ECF 11) granted plaintiff Jane Doe’s Doe’s motion (ECF 2) to proceed by pseudonym, with her true name not being revealed absent court authorization. Jane Doe now seeks to subject the Department of Justice (“DOJ”), including but not limited to the Federal Bureau of Investigation (“FBI”), to the same restriction. While the FBI agent with whom the undersigned has discussed this matter has graciously agreed to abide by such a restriction himself, he has explained that he cannot bind his bureau, much less his department. This motion follows.

Discussion

Jane Doe respectfully directs the Court to her Motion to Proceed Under Pseudonym, ECF 2, for an elaboration of the circumstances giving rise to that, and now this, motion. The reason the restriction at issue should apply to the DOJ and its agencies is that Jane Doe’s true name is known to them from the successful prosecution of Hazel Sanchez, the person who ran the trafficking ring that ensnared Jane Doe. While discovery secured from DOJ or the FBI would

yield documentation and information protected by the existing protective order, it remains uncertain whether and to what extent responses to requests for information from the DOJ or FBI under the Freedom of Information Act might yield production of documentation containing her name.¹ Jane Doe's true name might also end up being innocently articulated by an FBI or DOJ agent who has not been directed not to provide it.

In an abundance of caution, and since once released, however inadvertently, the damage will have been done, Jane Doe requests that the Court enter a protective order barring revelation by DOJ and the FBI of Jane Doe's true name absent Court authorization. Other than defendants, the DOJ, and the FBI, no other persons or entities need to be subjected to such an order.

Conclusion

For these reasons, Jane Doe's motion for protective order should be granted. Jane Doe waives a hearing on this motion and requests its adjudication on the papers after respondents have been served per the certificate of service below and given an opportunity to respond.²

Respectfully submitted,

JANE DOE,

By counsel

Dated: December 17, 2021

¹The prosecution of Hazel Sanchez ended in 2019. On information and belief there is no ongoing federal investigation of any person or entity related in any way to Jane Doe. In that prosecution, Jane Doe was referred to by her initials. Respondents can be ordered to refer to her solely as Jane Doe or, as they previously did, by her initials.

²No defendant has yet been served. The amended complaint filed this day for the first time uses the true names of the defendants previously sued ("Fairfax Police Officers 1 & 2"), as well as naming several new defendants. Service of the amended complaint will now be made on all of them, and a copy of this motion emailed to anticipated counsel to the extent known.

Counsel for Plaintiff:

//s// Victor M. Glasberg

Victor M. Glasberg, #16184

Nickera S. Rodriguez, #95952

Victor M. Glasberg & Associates

121 S. Columbus Street

Alexandria, VA 22314

703.684.1100 / Fax: 703.684.1104

vmg@robinhoodesq.com

nsr@robinhoodesq.com

JaneDoe\Pleadings\MProtectiveOrder

Certificate of Service

I, Victor M. Glasberg, hereby certify that on this 17th day of October 2021, I filed the foregoing Motion for Protective Order with the clerk of the court via the court's ECF system; arranged for service of same on DOJ in accordance with the provisions of Fed.R.Civ.P. 4(i)(2); and sent a copy by email to Senior Assistant Fairfax County Attorney Kimberly Baucom, at kimberly.pacebaucom@fairfaxcounty.gov.

//s// Victor M. Glasberg

Victor M. Glasberg, #16184

Victor M. Glasberg & Associates

121 S. Columbus Street

Alexandria, VA 22314

703. 684.1100 / Fax: 703.684.1104

vmg@robinhoodesq.com

Counsel for Plaintiff